



# COUNTY OF WELLINGTON

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## COMMITTEE REPORT

**To:** Chairman and Members of the Planning and Development Committee  
**From:** Mark Paoli, Senior Policy Planner  
**Date:** June 6, 2012  
**Subject:** **Official Plan 5-Year Review – Update on Policies for Input at Open Houses (PD2012-19)**

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### 1. Background

In preparation for the Open Houses to be held this summer, this report is to follow up on some outstanding policy areas, and summarize the topics that we expect to be areas of interest and input.

### 2. Work on Outstanding Policy Areas

#### 2.1. Rural Employment Areas

As discussed in April, staff proposed to restructure the Rural System by creating a new 'Rural Employment Area' designation that would allow a blend of rural industrial and highway commercial uses, and removing the Highway Commercial and Rural Industrial designations from the Plan. We have drafted policy changes to reflect that proposed direction (see Attachment 'A').

#### 2.2. Municipal Input on Secondary Agricultural Area Residential Lot Creation Policies

In April, Planning Committee directed staff to seek input from those local municipalities that have a 'Secondary Agricultural Area' designation about options to revise the effective date for the lot creation policies. Local Councils have since passed resolutions expressing preference or support for the date options as set out below:

- Minto - Option 1: Keep the existing policy which is based on the 1999 County Official Plan approval date.
- Erin - Option 2: Change the policy to be based on March 1, 2005 at which point the combined policies of the Provincial Policy Statement, Greenbelt Plan and new Erin Official Plan were all in effect
- Puslinch - Option 3: Change the policy to reflect the date of provincial approval of the County's 5-Year Review Amendment (likely some time in 2013).

As there is a range of opinions on this topic, we expect that more input will be provided at the Open Houses this summer.

A related point is that we have received a number of requests from landowners to change their lands from 'Prime Agricultural Area' to 'Secondary Agricultural Area' in Erin and Puslinch. Some of these properties are in the Greenbelt, in which redesignation of Prime Agricultural lands can only be considered at the time of Greenbelt Plan conformity, and for a broader area than an individual property. Staff intend to provide a future report that will deal with all of these requests together. In the meantime, this will also likely be a topic for discussion at the Open Houses this summer.



## 2.3. Environmentally Sensitive Areas

In our April report (PD2012-13), staff raised for discussion the merits of continuing to include Environmentally Sensitive Areas in the Greenlands System, as their boundaries appear to be less accurate than boundaries for features such as wetlands and woodlands that have newer mapping.

Through discussion at the April Planning Committee meeting, it was noted that having the Environmentally Sensitive Areas in the Official Plan provides a key link to the studies on which they were based, and concern was expressed about losing that connection. Staff now propose to keep these areas in the Plan as they are. We also feel that the Environmentally Sensitive Areas in the County should be reviewed at some point to see if more up-to-date mapping can be done to better reflect the boundaries that were intended by the original studies.

## 2.4. Cultural Heritage

During preconsultation on the 5-Year Review, the Elora Cataract Trailway Association submitted comments on two main topics: active transportation; and cultural heritage landscapes. The County's Active Transportation Plan project is developing policies that will result in a standalone amendment to the Official Plan when that process is complete.

In terms of cultural heritage, staff drafted policy changes that are attached for consideration and discussion. The main points of the revised policies are:

- Expanded description of significant cultural heritage landscapes that includes the Provincial Policy Statement definitions directly (previously in the Official Plan Definitions section);
- Direction to work with local municipalities to identify significant cultural heritage landscapes;
- Statement that significant cultural heritage landscapes shall be implemented through one or more of: addition to an Official Plan through an amendment; addition to the municipal Register; or designation under the *Ontario Heritage Act*;
- Making it more clear that conservation of a significant cultural heritage landscape may require a Conservation Plan or Heritage Impact Assessment;
- More detailed description of methods to avoid or minimize negative impact in the Heritage Impact Assessment policy.

Staff note that there are heritage conservation tools in the Provincial Policy Statement and *Ontario Heritage Act* that were not available or as fully developed when 'Heritage Areas' in the County were first established. These include: a policy basis for significant cultural heritage landscapes; the ability to list properties on the municipal Register that Council considers of cultural heritage value or interest but have not been designated; and the ability to designate a Heritage Conservation District. Where local municipalities are able to put these tools in place in the future, some consideration could be given to replacing 'Heritage Areas' with these newer measures, and/or modernizing the wording in the 'Heritage Areas' section.

There is a 'Heritage Area' shown on the Rockwood Schedule of the County Official Plan. There are also 'Heritage Areas' shown in Elora and Fergus on the Land Use Schedule in the Centre Wellington Official Plan (the County Official Plan does not show detailed land use designations for Elora and Fergus).



## 2.5. Provincial Input

Staff are reviewing comments that we recently received from the province through the preconsultation process (the Ministry of Municipal Affairs provides 'one-window' comments on behalf of a number of provincial ministries with an interest in the County's planning policies). We will attempt to meet provincial staff this summer to discuss their comments.

## 3. Summary

While all of the material developed to-date through the 5-Year Review will be available, we anticipate that the following will be the main topics of interest for public input, at the Open Houses this summer:

- Greenbelt Plan conformity
- Greenlands mapping and policy changes
- Paris and Galt Moraine policies
- Cultural heritage
- Secondary Agricultural Areas
  - lot creation
  - site-specific requests to redesignate from Prime Agricultural
- Mineral Aggregate Resource Area changes
- Rural Employment Areas
- Settlement boundary corrections
- Process changes
  - Complete applications and pre-consultation requirements
  - Site Plan Control for exterior design

## 4. RECOMMENDATION

"THAT Report PD2012-19 be received for information."

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Paoli'.

Mark Paoli,  
Senior Policy Planner



## ATTACHMENT 'A'

### Draft Rural Employment Area policies

**Blue text is proposed to be added.**

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## **PART 6**

### **THE RURAL SYSTEM**

#### **6.1 DEFINED**

The Rural System is primarily natural resource land and some other uses typically found in non-urban areas.

The Rural System includes:

- prime agricultural areas
- secondary agricultural areas
- mineral aggregate areas
- seasonal and recreational use areas
- rural housing
- rural industrial **employment** areas
- ~~highway commercial areas~~
- waste management sites
- special use areas

#### **6.3 PLANNING APPROACH**

~~Rural industrial and highway commercial **employment** lands are intended to provide locations for business activities that may be better served by sites outside urban areas. Where this Plan refers to Rural Industrial Areas this mean Rural Employment Areas.~~

#### **6.8 RURAL INDUSTRIAL EMPLOYMENT AREAS**

##### **6.8.1 Defined**

Rural Industrial **Employment** Areas are lands set aside for industrial uses which would benefit from a rural location due to:

- the need for a relatively large site; or
- the need for access to major transportation routes; or
- the need to be close to rural resources

In all cases, rural industrial **employment** areas will be used by “dry” industrial uses which do not use significant amounts of water in their operation and which do not produce significant amounts of effluent.

Rural Industrial **Employment** Areas are expected to provide diversity to Wellington’s land supply for business.

##### **6.8.2 Permitted Uses**

Dry industrial and commercial uses requiring large lots, major road access or proximity to rural resources are permitted in rural industrial **employment** areas.

Such industrial uses may include manufacturing, processing, fabrication and assembly of raw materials or repair, servicing, distribution and storage of materials. Accessory uses including the retail sale of products produced on-site may be allowed. The sale of agricultural products such as farm machinery and farm supplies may also be allowed.

Such commercial uses may include business or professional offices, farm machinery sales, farm produce sales, small scale motels or inns, small scale restaurants and automobile sales and services. Retail commercial uses normally found in urban centres are not allowed.

##### **6.8.3 Land Use Compatibility**

In Rural Employment Areas, establishing specific areas for detailed land use regulations is normally left to the Zoning By-law. In establishing zones and considering rezoning applications, Councils shall ensure that existing and proposed uses are compatible, and that sensitive uses are adequately separated from industrial uses.



### 6.8.3 New Locations

New Rural ~~Industrial~~ **Employment** Areas shall only be established by amendment to this Plan. In establishing new rural ~~industrial~~ **employment** land consideration shall be given to the following:

- a) the amount of rural ~~industrial~~ **employment** land in any part of Wellington shall be limited in size and based on reasonable estimates of need;
- b) no rural ~~industrial~~ **employment** areas shall be established adjacent to urban centre or hamlet boundaries;
- c) the impacts on agricultural operations shall be kept to a minimum and the loss of prime agricultural land shall be avoided wherever practical, as set out in Section 4.3;
- d) the Greenland System will be protected from negative impact in accordance with the policies of this Plan;
- e) adequate separation or buffering from incompatible uses can be provided;
- f) adverse impacts on any nearby land use will be avoided;
- g) mineral aggregate resources will be protected.
- h) existing and potential municipal water supply resources are protected in accordance with Section 4.9.5 of this Plan.
- i) adequate infrastructure is, or will be, established to serve the anticipated development in an orderly manner.

### ~~6.9 HIGHWAY COMMERCIAL AREAS~~

*[section to be deleted in its entirety]*



## ATTACHMENT 'B'

### Draft Cultural Heritage Revisions

**Blue text is proposed to be added.**

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## **PART 4**

### **GENERAL COUNTY POLICIES**

The following policies apply throughout the County of Wellington:

#### **4.1 CULTURAL HERITAGE RESOURCES**

Cultural heritage resources form an important and in many cases highly visible part of the community fabric. These resources are a source of civic pride for the residents, a benefit to the local economy through tourism, and are important to our understanding of the settlement of the County. The policies of this Plan, in conjunction with the Ontario Heritage Act, provide a framework for the protection and enhancement of cultural heritage resources in Wellington.

##### **Built Heritage**

Wellington has a rich history reflected in many buildings and structures, either individually or in groups, which are considered to be architecturally or historically significant to the community, county, province or country.

##### **Cultural Heritage Landscapes**

~~Cultural heritage landscapes involve groupings of individual heritage features such as structures, spaces, archaeological sites, and natural elements which together form a larger area of heritage value.~~

*[note: the following is taken from the 'Definitions' sections of the 2005 PPS and this Plan]*

A cultural heritage landscape is a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.

For cultural heritage landscapes to be significant, they must be valued for the important contribution they make to our understanding of a place, an event, or a people.

The identification, listing, evaluation and protection of cultural heritage landscapes is an ongoing process. The Canadian Heritage Rivers Board has designated the Grand River and its valleylands as a Canadian Heritage River.

##### **Archaeological Resources**

The past settlement of Wellington forms an important aspect of our community. Traces of human settlement both recent and long past are recognized as important elements of our history and culture. Archaeological resources include a property or area recognized by the Province as being archaeologically significant.



## 4.1.1 Identifying Cultural Heritage Resources

Cultural heritage resources include, but are not necessarily restricted to the following criteria under Ontario Regulations 9/06:

- a) A property has design value or physical value because it:
  - i) is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - ii) displays a high degree of craftsmanship or artistic merit, or
  - iii) demonstrates a high degree of technical or scientific achievement.
  
- b) A property has historical value or associative value because it:
  - i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

- c) A property has contextual value because it:
  - i) is important in defining, maintaining or supporting the character of an area,
  - ii) is physically, functionally, visually or historically linked to its surroundings, or
  - iii) is a landmark.

## 4.1.2 Ontario Heritage Act

Under the *Ontario Heritage Act*, a local Council may pass by-laws to:

- a) Designate individual properties of cultural heritage value or interest, in accordance with the criteria set out in Ontario Regulation 9/06. Such a by-law shall include a description of the property and a statement of cultural heritage value or interest and description of the heritage attributes;
  
- b) Designate a Heritage Conservation District or Districts in order to protect the heritage resources of an area. Such a by-law will be based on a study identifying the heritage resources of the area. If a by-law is passed to identify a Heritage Conservation District, the designated area may be recognized by an amendment to the Plan.

Designated heritage properties and heritage conservation districts shall be listed in a register of properties kept by the municipal clerk. The register may also include properties that Council considers to be of cultural heritage value or interest but have not been designated.



## 4.1.3 Heritage Committees

A Heritage Committee will advise and assist Council on cultural heritage resource matters as set out by the *Ontario Heritage Act*.

Other Municipal Authority:

a) A local Council may pass by-laws providing for the acquisition by purchase, lease, or otherwise of any property or part thereof, designated under Part IV of the Ontario Heritage Act. A local Council may dispose by sale, lease or otherwise of any property or interest acquired under Part IV of the Ontario Heritage Act upon such terms and conditions as Council may consider necessary.

b) Pursuant to the Planning Act, the Municipal Act and other relevant legislation, a local Council may pass by-laws for the following purposes:

- i) to ensure the protection of heritage features;
- ii) to regulate development so that it is sympathetic in height, bulk, location and character to heritage resources;
- iii) to control demolition of heritage buildings or structures in a defined area.

c) A local Council may enter into an easement agreement or covenant, pursuant to Section 37 of the Ontario Heritage Act, with the owner of any real property and register such easement or covenant against the real property in the land registry office for the purpose of:

- i) conserving, protecting and preserving the heritage features of the property;
- ii) preventing any demolition, construction, alteration, remodeling or any other action which would adversely affect the heritage features of the property;
- iii) establishing criteria for the approval of any development affecting the heritage property.

d) A local Council will use its best efforts to obtain, in consultation with the Heritage Committee, documentation for archival purposes which may include a history, photographic record and measured drawings, of cultural heritage resources which are to be demolished or significantly altered.

## 4.1.4 Heritage Areas

This Plan may identify a Heritage Area as shown on Schedule "A", for the purposes of regulating land use under the Planning Act.

It is the policy of this Plan that any development, redevelopment or public work shall respect the goals and objectives relating to the protection and enhancement of heritage resources. Development projects requiring planning approval which are of a size, scale or character not in keeping with the surrounding heritage resources shall not be allowed. The Heritage Area is broadly defined and contains many buildings which are not heritage resources. The intent of the Heritage Area is to identify an area in which a significant number of buildings contain heritage values and to ensure proper consideration is given to protecting these buildings when development proposals are put forward. A Heritage Area is not a Heritage Conservation District under the *Ontario Heritage Act*.



## 4.1.5 Policy Direction

- a) significant built heritage resources and significant cultural heritage landscapes shall be conserved. Conserved means the identification, protection, use and/or management of cultural heritage and archeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a Conservation Plan or Heritage Impact Assessment in accordance with Section 4.6.7.
- b) The need for a Heritage Impact Assessment and/or Conservation Plan will be based on the heritage attributes and reasons for which the resource was identified as significant.
- c) Wellington County will work with its local municipalities to identify significant cultural heritage landscapes. The identification of significant cultural heritage landscapes shall be implemented through at least one of the following options:
  - i) Added to an Official Plan through an Amendment that shows the resource as an overlay designation on the Schedule, and adds site-specific policies where needed;
  - ii) Included in the municipal register of properties that Council considers to be of cultural heritage value or interest but have not been designated;
  - iii) Designated under the *Ontario Heritage Act*.
- d) Wellington will encourage the conservation of significant built heritage resources through heritage designations and planning policies which protect these resources.
- e) The re-use of heritage buildings is often a valid means of ensuring their restoration, enhancement or future maintenance. Projects to re-use heritage buildings may be given favourable consideration if the overall results are to ensure the long term protection of a heritage resource and the project is compatible with surrounding land uses and represents an appropriate use of land.
- f) Where a property has been identified as a protected heritage property, development and site alteration may be permitted on adjacent lands where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.
- ~~g) in order to conserve a cultural heritage resource, a Heritage Impact Assessment and/or a Conservation Plan may be required.~~  
*note: incorporated into revised bullet a)*



## COUNTY OF WELLINGTON

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- h) The County recognizes the important cultural significance of the Grand River as a Canadian Heritage River, and the need to conserve its inherent values.
- i) Where development and site alteration is allowed, significant archaeological resources must be conserved. Such resources will be conserved through removal, and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, development and site alteration will only be allowed if the heritage integrity of the site is maintained.
- i) Where the County has determined a proposed development has areas of archaeological potential, an assessment of the property will be required to identify archaeological resources. Resources identified and determined to be significant will be conserved. The County may also require parts of a site to be excluded from development in order to maintain the heritage integrity of the site.
- j) The County or local municipality may develop an archaeological master plan to be used as a planning tool where addressing archaeological conservation concerns. The principal components of the master plan would be:
  - i) an inventory of all registered and known archaeological sites in the County;
  - ii) archaeological potential mapping based on locally relevant criteria;
  - iii) implementation guidelines for use of the master plan and management of the area's historical heritage.



## 4.6.7 Heritage Impact Assessment and Conservation Plan

A heritage impact assessment and conservation plan may be required to determine if any **significant** cultural heritage resources are impacted by a development proposal.

A heritage impact assessment is a study to determine if any **significant** cultural heritage resources are impacted by a development proposal, whether the impacts can be mitigated, and by what means. A heritage impact assessment will generally be required to contain:

- a) Historical research, site analysis and evaluation
- b) Identification of the significance and heritage attributes of the cultural heritage resources
- c) Description of the proposed development or site alteration
- d) Assessment of development or site alteration impact
- e) Consideration of alternatives, mitigation and conservation methods. **Methods to minimize or avoid a negative impact on a significant cultural heritage resource include, but are not limited to:**
  - i. alternative development approaches
  - ii. isolating development and site alteration from significant built and natural features and vistas
  - iii. design guidelines that harmonize mass, setback, setting, and materials.

- iv. limiting height and density
- v. allowing only compatible infill and additions
- vi. reversible alterations
- vii. buffer zones, and
- viii. site plan control.

- f) Implementation and monitoring
- g) Summary statement and conservation recommendations.

A conservation plan provides details as to how a cultural heritage resource can be conserved, and will generally be required to contain:

- a) identification of the conservation principles appropriate for the type of cultural heritage resource being conserved
- b) Analysis of the cultural heritage resource
- c) Recommendations for conservation measures and interventions, short or long term maintenance programs, implementation, and the qualifications of anyone responsible for the conservation work
- d) Schedule for conservation work, inspection, maintenance, costing, and phasing
- e) Monitoring of the cultural heritage resource.